

**REMARKS**

Applicant hereby responds to the Final Office Action of March 18, 2005. Claims 1-33 are pending in the above-referenced patent application. Claims 1-27 were allowed. Applicant wishes to thank the Examiner for detailing the allowed Claims 1-27.

Claims 28-33 were rejected. Specifically, Claims 28, 30, 32 and 33 were rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,032,202 to Lea et al. ("Lea"). Claims 29 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lea in view of USPN 6,560,639 to Dan et al. ("Dan"). Claims 28, 30, 32 and 33 were rejected under 35 U.S.C. 102(e) as being anticipated by USPN 5,740,362 to Buickel et al. ("Buickel"). Claims 29 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Buickel in view of Dan.

**Rejection of Claims 28, 30, 32 and 33 under 35 U.S.C. 102(e) as being anticipated by Lea**

Rejection of Claims 28, 30, 32 and 33 under 35 U.S.C. 102(e) as being anticipated by Lea, is respectfully traversed, because Lea does not disclose all of the claimed limitations.

**Regarding Claim 28**, it is respectfully submitted that Lea does not disclose: "providing an application interface description of a first device from the database to a second device, wherein the second devices interacts with that first device utilizing said application interface

description of the first device for command and control,” as required by Claim 28 as amended. Lea is directed to ensuring future upgradability and expandability of devices in a home audio video network. The system generates a default control module (DCM) for a first device coupled to the network by using a second device coupled to the network. The default control module is configured to ensure at least a minimum degree of interoperability between the first device and the second device. The second device accesses the first device via the default control module, wherein the default control module enables the first device to respond to a default set of commands from the second device. When an updated control module for the first device is received, the default control module is replaced with the updated control module by unlinking the default control module and linking the updated control module. The second device subsequently accesses the first device via the updated control module, wherein the updated control module enables the first device to respond to an updated set of commands from the second device.

As such, by contrast to the present invention, Lea utilizes a device control module in each full node (FAV) for each device (IAV) in the network, wherein the DCM provides an API used to send control commands to that device. The FAV nodes act as control nodes and create a local representation of the IAV. As such, the FAV builds a DCM for another device and the DCM exposes an interface that allows controlling that device. Lea does not disclose a database of device interface descriptions according to the present invention. Further, Lea does not disclose placing the interface descriptions of the home network devices in the data base for access by the home network devices to perform command and control therebetween.

Nor does Lea disclose a process wherein to interact with a first device, the application interface description of the first device is provided from the database to a second device, wherein the second device interacts with that first device utilizing said application interface description of the first device for command and control. For at least these reasons rejection of Claim 28 should be withdrawn.

**Claim 30** was rejected for similar reasons as rejection of Claim 28, and should therefore be allowed for at least the reasons provided above in relation to Claim 28.

**Regarding Claim 32**, it is respectfully submitted that Lea does not disclose the steps of: “the first device accessing an application interface description for another device in the database and sending control and command data to that other device utilizing said application interface description,” as required by Claim 32. In contrast to the present invention, Lea utilizes a device control module in each full node (FAV) for each device (IAV) in the network, wherein the DCM provides an API used to send control commands to that device. The FAV nodes act as control nodes and create a local representation of the IAV. As such, the FAV builds a DCM for another device and the DCM exposes an interface that allows controlling that device. Lea does not disclose a database of device interface descriptions according to the present invention. Further, Lea does not disclose placing the interface descriptions of the home network devices in the data base for access by the home network devices to perform command and control therebetween.

Accordingly, nor does Lea disclose the first device accessing an application interface description for another device in the database and sending control and command data to that other device utilizing said application interface description, as claimed herein. For at least these reasons, rejection of Claim 32 should be withdrawn.

**Claim 32** was rejected for similar reasons as rejection of Claim 30, and should therefore be allowed for at least the reasons provided above in relation to Claim 30.

**Rejection of Claims 28, 30, 32 and 33 under 35 U.S.C. 102(e) as being anticipated by Buickel**

Rejection of Claims 28, 30, 32 and 33 under 35 U.S.C. 102(e) as being anticipated by Buickel, is respectfully traversed, because Buickel does not disclose all of the claimed limitations.

**Regarding Claim 28**, Buickel does not disclose: “querying a device to obtain application interface description data when the device is connected to the network, wherein the application interface description data includes information for commanding and controlling of the device by another device connected to the network,” as required by Claim 28.

On pages 4-5 of the Office Action, Paragraph 12, the Examiner effectively interprets the Buickel as follows: (1) agents 214-214n in Buickel are queried devices as claimed herein, and (2) “binding information (interfaces) for agents” in Buickel to be the application interface

description data as claimed herein. The Examiner further relies on Buickel col. 3, lines 7-31 and col. 5, lines 49-67, to conclude that Buickel discloses querying a device to obtain application interface description data when the device is connected to the network, wherein the application interface description data includes information for commanding and controlling of the device by another device connected to the network, as claimed herein.

Applicants respectfully traverse such interpretation of Buickel, and the Examiner's conclusions. A careful reading of Buickel col. 3, lines 7-31; col. 4, lines 26-42 and col. 5, lines 49-67 (relied on by the Examiner) makes clear that "binding information (interfaces) for agents" referred to by the Examiner is creating the agent list 306. This agent list 306 in Buickel is not created by querying the agents 214-214n in Buickel to obtain "binding information (interfaces) for agents". Rather, the "binding information (interfaces) for agents" for the agent list 306 is obtained by the MOB 114 from the register list 304 and DCE directory server 102a (col. 3, lines 60-64; col. 4, lines 14-17, lines 28-32). Therefore, unlike the claimed invention herein, the agents 214-214n in Buickel are not queried to obtain the "binding information (interfaces) for agents". In contrast to the claimed invention, wherein *the devices in the network are queried to obtain application interface description data* therefrom, in Buickel the agents 214-214n are not queried to obtain "binding information (interfaces) for agents" to create the agent list 306.

Further, Buickel does not disclose "storing the obtained application interface description data in a database," as required by Claim 28. On Page 4 of the Office Action, the Examiner

interprets “agent list” in Buickel col. 4, lines 26-42 and col. 5, lines 49-67, to be the data base in which application interface description data is stored as claimed herein. A careful reading of Buickel shows that the “agent list” referred to by the Examiner is the agent list 306. However, as discussed above, the agents 214-214n in Buickel are not queried to obtain “binding information (interfaces) for agents” to build the agent list 306. As such, Buickel does not disclose storing in a database the application interface description data *that was obtained from the network devices by querying the devices*, as claimed herein.

Further, Buickel does not disclose “providing an application interface description of a first device from the database to a second device, wherein the second device interacts with that first device utilizing said application interface description of the first device for command and control,” as required by Claim 28. As discussed, Buickel does not disclose querying a device to obtain application interface description data when the device is connected to the network, wherein the application interface description data includes information for commanding and controlling of the device by another device connected to the network, and storing the obtained application interface description data in a database, as claimed. Accordingly, Buickel does not disclose providing an application interface description of a first device from the database to a second device, wherein the application interface description of the first device was initially obtained from the first and stored in the data base for later access.

Further, in col. 5, lines 30-47, Buickel explains that a request is first generated by one of the DCE cell members 112-112n to DAAT 104. Then, the task Manager 202 detects and receives the request, and determines whether or not the received request needs to be processed by one of the agents 214-214n. If, it is determined that the received request needs to be processed by one of the agents 214-214n. Then, in col. 5, lines 48-67 (relied on by the Examiner), Buickel explains that the request is placed in the request queue database 204, and a notification of the request is placed in the memory queue 206. The task processor 208 receives the notification and retrieves the request from the request queue database 204. The task processor 208 invokes MOB 114 passing an AppId, other parameters (information), and the formatted string with user data. The MOB 114 invokes one of the APIs 314-332 corresponding to the request. The invoked API 314-332, then uses getagbinding 312 to traverse the AppId list 306 for an entry having an AppId matching the request AppId. Assuming a matching AppId is found, getagbinding 312 retrieves a binding handle for the agent 214-214n corresponding to the matching AppId from the AppId list, and returns the binding handle to the invoked API 314-332. The API 314-332 then use the binding handle to pass the parameters and formatted string to the agent 214-214n corresponding to the request AppId.

Accordingly, by contrast to the claimed invention herein, in Buickel a request from a cell member 112-112n with client (second device) for service by a cell member 106-106n with an agent (first device), does not result in accessing the agent list 306 (data base) and providing an application interface description of a cell member 106-106n (first device) to the requesting cell

member 112-112n (second device), as claimed herein. Indeed, an API of an agent 214-214n of a cell member 106-106n (first device) is obtained from the agent list 306 and provided to the MOB 114 (i.e., API 314-332 of MOB 114 (FIG. 3), not to the requesting cell member 112-112n (second device). Further, accordingly in Buickel the requesting cell member 112-112n (second device) does not interact with the cell member 106-106n (first device) utilizing the API of the cell member 106-106n (first device) for command and control, as claimed herein. For at least these reasons, rejection of Claim 28 and all claims dependent therefrom should be withdrawn.

**Claim 30** was rejected for similar reasons as rejection of Claim 28, and should therefore be allowed for at least the reasons provided above in relation to Claim 28.

**Claims 31 and 32** were rejected for similar reasons as rejection of Claims 30 and 28, and should therefore be allowed for at least the reasons provided above in relation to Claims 30 and 28. Further, Buickel does not disclose a device accessing an application interface description for another device in the database and sending control and command data to that other device utilizing said application interface description. As discussed, in Buickel a cell member 112-112n with a client accessing the agent list 306 for the API of a cell member 106-106n with an agent, and sending control and command data to a cell member 106-106n utilizing said API.



**Rejection of Claims 29 and 31 under 35 U.S.C. 103(a) as being unpatentable over Lea in view of Dan**

Rejection of Claims 29 and 31 under 35 U.S.C. 103(a) as being unpatentable over Lea in view of Dan, is respectfully traversed because the references, alone or in combination, do not teach all of the claimed limitations. As discussed, Lea does not disclose all of the limitations of independent Claims 28 and 30.

Further, neither of the references suggests the motivation to modify or combine the references as proposed. The references are individually complete and functionally independent for their limited specific purposes and there would be no reason to make the modification proposed by the Patent Office. In Dan, col. 2, lines 29-41, Dan simply mentions providing a server-side software package that allows users to design and manage web sites. Indeed, Dan is unrelated to the claimed invention herein since Dan is directed to building web sites. Further, providing a software package for designing a web site for *user interface* in Dan, does not present a motivation to provide application interface description data (XML or otherwise) within devices connected to a network, wherein the application interface description data includes information for commanding and controlling of the *device* by another *device* connected to the network, as claimed. Therefore, because neither of the prior art references suggests the combination and modifications proposed by the Patent Office the combination and modifications are improper.

Even if the modification was legally justified, it still would not render Applicants'

claimed invention obvious. The Patent Office admits that Lea does not teach all limitations in Claims 29 and 31. Therefore, the Patent Office attempts to modify Lea in order to teach Applicants' claimed invention. However, as discussed, there is no teaching in the references of the claimed limitations. There is no need in Lea for a user interface description as claimed. Even if Lea is modified according to Dan, the result would be a system that has nothing to do with the claimed invention herein. Providing the software package of Dan in Lea for designing a web site for *user interface*, does not provide application interface description data (XML or otherwise) within devices connected to a network, wherein the application interface description data includes information for commanding and controlling of the *device* by another *device* connected to the network, as claimed.

Further, Applicant respectfully submits that the Patent Office is improperly using "hindsight" and the teachings of Applicant's own claimed invention in order to combine references to render Applicant's claims obvious. The Office Action admits that Lea fails to teach all of the limitations of Applicant's claimed invention. However, the Office Action improperly attempts to modify Lea using Dan (which also fails to teach all of the limitations of Applicant's claimed invention), in an attempt to achieve Applicant's claimed invention.

**Rejection of Claims 29 and 31 under 35 U.S.C. 103(a) as being unpatentable over Buickel in view of Dan**

Rejection of Claims 29 and 31 under 35 U.S.C. 103(a) as being unpatentable over

Buickel in view of Dan, is respectfully traversed because the references, alone or in combination, do not teach all of the claimed limitations. As discussed, Buickel does not disclose all of the limitations of independent Claims 28 and 30.

Further, there is no motivation suggested by either reference to combine them. It is well settled that in order for a modification or combination of the prior art to be valid, the prior art itself must suggest the modification or combination, "...invention cannot be found obvious unless there was some **explicit** teaching or suggestion in the art to motivate one of ordinary skill to combine elements so as to create the same invention." *Winner International Royalty Corp. v. Wang*, No. 96-2107, 48 USPQ.2d 1139, 1140 (D.C.D.C. 1998) (emphasis added). "The prior art **must provide** one of ordinary skill in the art the **motivation** to make the proposed molecular modifications needed to arrive at the claimed compound." *In re Jones*, 958 F.2d 347, 21 USPQ.2d 1941, 1944 (Fed. Cir. 1992) (emphasis added).

Neither of the references suggests the motivation to modify or combine the references as proposed. The references are individually complete and functionally independent for their limited specific purposes and there would be no reason to make the modification proposed by the Patent Office. In Dan, col. 2, lines 29-41, Dan simply mentions providing a server-side software package that allows users to design and manage web sites. Indeed, Dan is unrelated to the claimed invention herein since Dan is directed to building web sites. Further, providing a software package for designing a web site for *user interface* in Dan, does not present a

motivation to provide application interface description data (XML or otherwise) within devices connected to a network, wherein the application interface description data includes information for commanding and controlling of the *device* by another *device* connected to the network, as claimed. Therefore, because neither of the prior art references suggests the combination and modifications proposed by the Patent Office the combination and modifications are improper.

Even if the modification was legally justified, it still would not render Applicants' claimed invention obvious. The Patent Office admits that Buickel does not teach all limitations in Claims 29 and 31. Therefore, the Patent Office attempts to modify Buickel in order to teach Applicants' claimed invention. However, as discussed, there is no teaching in the references of the claimed limitations. There is no need in Buickel for a user interface description as claimed. Even if Buickel is modified according to Dan, the result would be a system that has nothing to do with the claimed invention herein. Providing the software package of Dan in Buickel for designing a web site for *user interface*, does not provide application interface description data (XML or otherwise) within devices connected to a network, wherein the application interface description data includes information for commanding and controlling of the *device* by another *device* connected to the network, as claimed.

Further, Applicant respectfully submits that the Patent Office is improperly using "hindsight" and the teachings of Applicant's own claimed invention in order to combine references to render Applicant's claims obvious. The Office Action admits that Buickel fails to

teach all of the limitations of Applicant's claimed invention. However, the Office Action improperly attempts to modify Buickel using Dan (which also fails to teach all of the limitations of Applicant's claimed invention), in an attempt to achieve Applicant's claimed invention.

**CONCLUSION**

Please charge any deficit or credit any surplus to our Deposit Account No. 01-1960. A copy of this page is enclosed for this purpose.

For these, and other, reasons, Applicants believe that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of all claims are respectfully requested.

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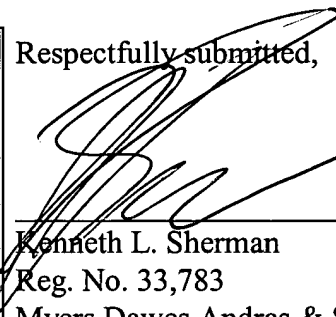
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